

EXHIBIT “A”

SUMMONS

(CITACION JUDICIAL)

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):
LOWE'S HOME CENTERS, LLC,
DOES 1-100

Electronically Filed
4/4/2022 1:58 PM
Superior Court of California
County of Stanislaus
Clerk of the Court
By: Sonia Krohn, Deputy

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):
EFFIE VISSER

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es):

CASE NUMBER
(Número del Caso): CV-22-001397

Superior Court of California, County of Stanislaus
801 10th Street, 4th Floor
Modesto, CA 95354

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
ROBERT J. ANAYA SBN 153195 Law Office of Robert J. Anaya
821 13th Street, Suite E, Modesto, CA 95354; Tel. (209) 522-7500

DATE: 4/4/2022 1:58 PM
(Fecha)

Clerk, by

(Secretario)

, Deputy

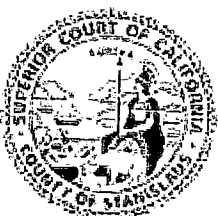
(Adjunto)

Sonia Krohn

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010).)

[SEAL]



NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):

3. ☐ on behalf of (specify):

under:

- ☐ CCP 416.10 (corporation)
☐ CCP 416.20 (defunct corporation)
☐ CCP 416.40 (association or partnership)
☐ other (specify):

- ☐ CCP 416.60 (minor)
☐ CCP 416.70 (conservatee)
☐ CCP 416.90 (authorized person)

4. ☐ by personal delivery on (date):

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): ROBERT J. ANAYA SBN 153195 Law Office of Robert J. Anaya 821 13th Street, Suite E Modesto, CA 95354 TELEPHONE NO.: (209) 522-7500 FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiff Effie Visser		FOR COURT USE ONLY Electronically Filed 4/1/2022 8:00 AM Superior Court of California County of Stanislaus Clerk of the Court By: Juan Medina, Deputy \$435 FEES NOT PAID
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Stanislaus STREET ADDRESS: 801 10th Street, 4th Floor MAILING ADDRESS: 801 10th Street, 4th Floor CITY AND ZIP CODE: Modesto, CA 95354 BRANCH NAME: Civil Unlimited Division		
PLAINTIFF: EFFIE VISSER DEFENDANT: LOWE'S HOME CENTERS, LLC		CASE NUMBER: CV-22-001397
<input checked="" type="checkbox"/> DOES 1 TO 100 COMPLAINT-Personal Injury, Property Damage, Wrongful Death <input type="checkbox"/> AMENDED (Number): Type (check all that apply): <input type="checkbox"/> MOTOR VEHICLE <input checked="" type="checkbox"/> OTHER (specify): Premises Liability <input type="checkbox"/> Property Damage <input type="checkbox"/> Wrongful Death <input checked="" type="checkbox"/> Personal Injury <input type="checkbox"/> Other Damages (specify):		
Jurisdiction (check all that apply): <input type="checkbox"/> ACTION IS A LIMITED CIVIL CASE Amount demanded <input type="checkbox"/> does not exceed \$10,000 <input type="checkbox"/> exceeds \$10,000, but does not exceed \$25,000 <input checked="" type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000) <input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint <input type="checkbox"/> from limited to unlimited <input type="checkbox"/> from unlimited to limited		

1. Plaintiff (name or names): **EFFIE VISSER**

alleges causes of action against defendant (name or names): **LOWE'S HOME CENTERS, LLC, and DOES 1-100**

2. This pleading, including attachments and exhibits, consists of the following number of pages: **5**

3. Each plaintiff named above is a competent adult

a. ☐ except plaintiff (name):

- (1) ☐ a corporation qualified to do business in California
- (2) ☐ an unincorporated entity (describe):
- (3) ☐ a public entity (describe):
- (4) ☐ a minor ☐ an adult
 - (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
 - (b) ☐ other (specify):
- (5) ☐ other (specify):

b. ☐ except plaintiff (name):

- (1) ☐ a corporation qualified to do business in California
- (2) ☐ an unincorporated entity (describe):
- (3) ☐ a public entity (describe):
- (4) ☐ a minor ☐ an adult
 - (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
 - (b) ☐ other (specify):
- (5) ☐ other (specify):

Freeland, John D

This case has been assigned to Judge **Dept. 23**
 Department _____, for all purposes including Trial.

☐ Information about additional plaintiffs who are not competent adults is shown in Attachment 3.

VISSER vs. LOWE'S HOME CENTERS, LLC

CASE NUMBER:

4. ☐ Plaintiff (name): EFFIE VISSER

is doing business under the fictitious name (specify):

and has complied with the fictitious business name laws.

5. Each defendant named above is a natural person

a. ☒ except defendant (name):

LOWE'S HOME CENTERS, LLC

(1) ☒ a business organization, form unknown(2) ☐ a corporation(3) ☐ an unincorporated entity (describe):(4) ☐ a public entity (describe):(5) ☐ other (specify):c. ☐ except defendant (name):(1) ☐ a business organization, form unknown(2) ☐ a corporation(3) ☐ an unincorporated entity (describe):(4) ☐ a public entity (describe):(5) ☐ other (specify):b. ☐ except defendant (name):(1) ☐ a business organization, form unknown(2) ☐ a corporation(3) ☐ an unincorporated entity (describe):(4) ☐ a public entity (describe):(5) ☐ other (specify):d. ☐ except defendant (name):(1) ☐ a business organization, form unknown(2) ☐ a corporation(3) ☐ an unincorporated entity (describe):(4) ☐ a public entity (describe):(5) ☐ other (specify):☐ Information about additional defendants who are not natural persons is contained in Attachment 5.

6. The true names of defendants sued as Does are unknown to plaintiff.

a. ☒ Doe defendants (specify Doe numbers): 60-100

named defendants and acted within the scope of that agency or employment.

b. ☒ Doe defendants (specify Doe numbers): 1-100

plaintiff. are persons whose capacities are unknown to

7. ☐ Defendants who are joined under Code of Civil Procedure section 382 are (names):

8. This court is the proper court because

a. ☐ at least one defendant now resides in its jurisdictional area.b. ☐ the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.c. ☒ injury to person or damage to personal property occurred in its jurisdictional area.d. ☐ other (specify):9. ☒ Plaintiff is required to comply with a claims statute, anda. ☒ has complied with applicable claims statutes, orb. ☐ is excused from complying because (specify):

10. The following causes of action are attached and the statements above apply to each (each complaint must have one or more causes of action attached):

- a. ☐ Motor Vehicle
- b. ☐ General Negligence
- c. ☐ Intentional Tort
- d. ☐ Products Liability
- e. ☒ Premises Liability
- f. ☐ Other (specify) :

11. Plaintiff has suffered

- a. ☐ wage loss
- b. ☐ loss of use of property
- c. ☒ hospital and medical expenses
- d. ☒ general damage
- e. ☐ property damage
- f. ☐ loss of earning capacity
- g. ☒ other damage (specify) :

other significant special damages, including but not limited to future medical, the extent of which are presently unknown to plaintiff, and anticipated residuals.

12. ☐ The damages claimed for wrongful death and the relationships of plaintiff to the deceased are
- a. ☐ listed in Attachment 12.
 - b. ☐ as follows:

13. The relief sought in this complaint is within the jurisdiction of this court.

14. Plaintiff prays for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. (1) ☒ compensatory damages
- (2) ☐ punitive damages

The amount of damages is (in cases for personal injury or wrongful death, you must check (1)):

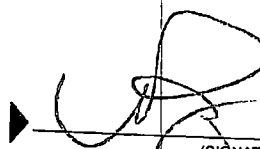
- (1) ☒ according to proof
- (2) ☐ in the amount of: \$

15. ☐ The paragraphs of this complaint alleged on information and belief are as follows (specify paragraph numbers):

Date: 3/31/2022

ROBERT L ANAYA

(TYPE OR PRINT NAME)



(SIGNATURE OF PLAINTIFF OR ATTORNEY)

SHORT TITLE: VISSER vs. LOWE'S HOME CENTERS, LLC

CASE NUMBER:

FIRST

(number)

CAUSE OF ACTION - Premises Liability

Page 4

ATTACHMENT TO ☒ Complaint ☐ Cross-Complaint
 (Use a separate cause of action form for each cause of action.)

Prem.L-1. Plaintiff (name): EFFIE VISSER

alleges the acts of defendants were the legal (proximate) cause of damages to plaintiff.

On (date): April 23, 2020

plaintiff was injured on the following premises in the following

fashion (description of premises and circumstances of injury):

Plaintiff was at Defendants' store to look at merchandise offered by Defendants at their Modesto, Stanislaus County, California location.

Plaintiff was seriously injured when she fell as a result of tripping over an unsecured cable used by Defendants, which had been left loose in the aisleway. No warnings were given.

Prem.L-2. ☒ **Count One-Negligence** The defendants who negligently owned, maintained, managed and operated the described premises were (names):
 LOWE'S HOME CENTERS, LLC

☒ Does 1 to 29

Prem.L-3. ☒ **Count Two-Willful Failure to Warn** [Civil Code section 846] The defendant owners who willfully or maliciously failed to guard or warn against a dangerous condition, use, structure, or activity were (names): LOWE'S HOME CENTERS, LLC

☒ Does 30 to 59Plaintiff, a recreational user, was ☐ an invited guest ☐ a paying guest.

Prem.L-4. ☐ **Count Three-Dangerous Condition of Public Property** The defendants who owned public property on which a dangerous condition existed were (names):

☐ Does to

- a. ☐ The defendant public entity had ☐ actual ☐ constructive notice of the existence of the dangerous condition in sufficient time prior to the injury to have corrected it.
- b. ☐ The condition was created by employees of the defendant public entity.

Prem.L-5. a. ☒ **Allegations about Other Defendants** The defendants who were the agents and employees of the other defendants and acted within the scope of the agency were (names):
 Unknown architects, engineers, vendors, contractors and subcontractors, as hired, designed, managed, maintained, inspected and authorized, to stock, maintain, supply, inspect and keep safe, as will be determined.

☒ Does 60 to 100

- b. ☐ The defendants who are liable to plaintiffs for other reasons and the reasons for their liability are ☐ described in attachment Prem.L-5.b ☐ as follows (names):

SHORT TITLE
VISSER VS LOWE'S HOME CENTERS, LLC

CASE NUMBER:

SECOND

(number)

CAUSE OF ACTION- General Negligence

Page 5

ATTACHMENT TO ☒ Complaint ☐ Cross-Complaint

(Use a separate cause of action form for each cause of action.)

GN-1. Plaintiff (name): EFFIE VISSER

alleges that defendant (name):

LOWE'S HOME CENTERS, LLC

☒ Does 1 to 100

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on (date): APRIL 23, 2020

at (place): LOWE'S HOME CENTERS, LLC, 3801 Pelandale Avenue, Modesto, Stanislaus County, CA

(description of reasons for liability) :

Defendants, its employees, contractors, subcontractors, agents, representatives, vendors, and affiliates, and each of them, had a duty to keep Plaintiff safe from injury at said premises.

Defendants, its employees, contractors, subcontractors, agents, representatives, vendors, and affiliates, and each of them, breached said duty by allowing an unsafe condition to be created and/or maintained on said premises.

Defendants, its employees, architects, engineers, contractors, subcontractors, agents, representatives, vendors, and affiliates, and each of them, designed, engineered, manufactured, and modified the condition of said premises which created the unsafe hazard which was foreseeable.

Defendants' breach of those duties proximately caused Plaintiff to be seriously injured as a result of said breach(es). Said defendants, and each of them, failed to warn Plaintiff of the unsafe condition.

Plaintiff has been seriously injured and suffered serious damages as a result of the injuries suffered as a proximate result of Defendants' actions and omissions to act, including but not limited to the giving of any warning to Plaintiff.

Plaintiff has suffered physical injuries, pain and suffering, general damages, special damages, loss of mobility as residual injuries with future pain and suffering, together with unknown future medical expenses and special damages.

Attorney for Plaintiff
EFFIE VISSER

EFFIE VISSER,

Plaintiff,

vs.
LOWE'S HOME CENTERS, LLC,
DOES 1-100,

Defendants.

CASE NO.: CV-22-001397

NOTICE OF ERRATA

TO: THE COURT, LOWE'S HOME CENTERS, LLC, DOES 1-100, AND ALL
OTHER INTERESTED PARTIES:

PLEASE TAKE NOTICE that Plaintiff submits the following NOTICE OF ERRATA, as follows:

The DOCUMENT titled "COMPLAINT- Personal Injury" form, originally filed with the Stanislaus Court on April 1, 2022, does not reflect the box labeled "General Negligence" as being checked in Paragraph 10 (b) on Page 3 of said complaint in the court records. Attached is corrected copy of said page as Exhibit "A".

Dated: April 4, 2022

ROBERT J. ANAYA, Attorney for
Plaintiff, EFFIE VISSER

NOTICE OF ERRATA

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EXHIBIT “A”

VISSER vs. LOWE'S HOME CENTERS, LLC

CASE NUMBER:

10. The following causes of action are attached and the statements above apply to each (each complaint must have one or more causes of action attached):

- a. ☐ Motor Vehicle
- b. ☒ General Negligence
- c. ☐ Intentional Tort
- d. ☐ Products Liability
- e. ☒ Premises Liability
- f. ☐ Other (specify):

11. Plaintiff has suffered

- a. ☐ wage loss
- b. ☐ loss of use of property
- c. ☒ hospital and medical expenses
- d. ☒ general damage
- e. ☐ property damage
- f. ☐ loss of earning capacity
- g. ☒ other damage (specify):

other significant special damages, including but not limited to future medical, the extent of which are presently unknown to plaintiff, and anticipated residuals.

12. ☐ The damages claimed for wrongful death and the relationships of plaintiff to the deceased are
- a. ☐ listed in Attachment 12.
 - b. ☐ as follows:

13. The relief sought in this complaint is within the jurisdiction of this court.

14. Plaintiff prays for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. (1) ☒ compensatory damages
- (2) ☐ punitive damages

The amount of damages is (in cases for personal injury or wrongful death, you must check (1)):

- (1) ☒ according to proof
- (2) ☐ in the amount of: \$

15. ☐ The paragraphs of this complaint alleged on information and belief are as follows (specify paragraph numbers):

Date: 3/31/2022

ROBERT L ANAYA

(TYPE OR PRINT NAME)

(SIGNATURE OF PLAINTIFF OR ATTORNEY)

PLD-PI-001 (Rev. January 1, 2007)

CEB Essential
cebs.com Forms

COMPLAINT-Personal Injury, Property
Damage, Wrongful Death

Effie Visser

Page 3 of 3

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): ROBERT J. ANAYA SBN 153195 Law Office of Robert J. Anaya 821 13th Street, Suite E Modesto, CA 95354 TELEPHONE NO.: (209) 522-7500 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiff Effie Visser		FOR COURT USE ONLY Electronically Filed 4/1/2022 8:00 AM Superior Court of California County of Stanislaus Clerk of the Court By: Juan Medina, Deputy \$435 FEES NOT PAID CASE NUMBER: CV-22-001397
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Stanislaus STREET ADDRESS: 801 10th Street, 4th Floor MAILING ADDRESS: 801 10th Street, 4th Floor CITY AND ZIP CODE: Modesto, CA 95354 BRANCH NAME: Civil Unlimited Division		
PLAINTIFF: EFFIE VISSER DEFENDANT: LOWE'S HOME CENTERS, LLC		
<input checked="" type="checkbox"/> DOES 1 TO 100 COMPLAINT-Personal Injury, Property Damage, Wrongful Death <input type="checkbox"/> AMENDED (Number): Type (check all that apply): <input type="checkbox"/> MOTOR VEHICLE <input checked="" type="checkbox"/> OTHER (specify): Premises Liability <input type="checkbox"/> Property Damage <input type="checkbox"/> Wrongful Death <input checked="" type="checkbox"/> Personal Injury <input type="checkbox"/> Other Damages (specify):		
Jurisdiction (check all that apply): <input type="checkbox"/> ACTION IS A LIMITED CIVIL CASE Amount demanded <input type="checkbox"/> does not exceed \$10,000 <input type="checkbox"/> exceeds \$10,000, but does not exceed \$25,000 <input checked="" type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000) <input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint <input type="checkbox"/> from limited to unlimited <input type="checkbox"/> from unlimited to limited		

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alleges causes of action against defendant (name or names): **LOWE'S HOME CENTERS, LLC, and DOES 1-100**

2. This pleading, including attachments and exhibits, consists of the following number of pages: **5**

3. Each plaintiff named above is a competent adult

a. ☐ except plaintiff (name):

(1) ☐ a corporation qualified to do business in California

(2) ☐ an unincorporated entity (describe):

(3) ☐ a public entity (describe):

(4) ☐ a minor ☐ an adult

(a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed

(b) ☐ other (specify):

(5) ☐ other (specify):

b. ☐ except plaintiff (name):

(1) ☐ a corporation qualified to do business in California

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(a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed

(b) ☐ other (specify):

(5) ☐ other (specify):

☐ Information about additional plaintiffs who are not competent adults is shown in Attachment 3.

Freeland, John D

This case has been assigned to Judge **Dept. 23**
 Department _____, for all purposes including Trial.

SHORT CASE
VISSER vs. LOWE'S HOME CENTERS, LLC

CASE NUMBER:

4. ☐ Plaintiff (name): **EFFIE VISSER**
 is doing business under the fictitious name (specify):

and has complied with the fictitious business name laws.

5. Each defendant named above is a natural person

- a. ☒ except defendant (name):

LOWE'S HOME CENTERS, LLC

- (1) ☒ a business organization, form unknown
 (2) ☐ a corporation
 (3) ☐ an unincorporated entity (describe):

(4) ☐ a public entity (describe):

(5) ☐ other (specify):

- b. ☐ except defendant (name):

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 (2) ☐ a corporation
 (3) ☐ an unincorporated entity (describe):

(4) ☐ a public entity (describe):

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- c. ☐ except defendant (name):

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 (3) ☐ an unincorporated entity (describe):

(4) ☐ a public entity (describe):

(5) ☐ other (specify):

- d. ☐ except defendant (name):

- (1) ☐ a business organization, form unknown
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(4) ☐ a public entity (describe):

(5) ☐ other (specify):

- ☐ Information about additional defendants who are not natural persons is contained in Attachment 5.

6. The true names of defendants sued as Does are unknown to plaintiff.

- a. ☒ Doe defendants (specify Doe numbers): **60-100**

were the agents or employees of other named defendants and acted within the scope of that agency or employment.

- b. ☒ Doe defendants (specify Doe numbers): **1-100**

plaintiff. are persons whose capacities are unknown to

7. ☐ Defendants who are joined under Code of Civil Procedure section 382 are (names):

8. This court is the proper court because

- a. ☐ at least one defendant now resides in its jurisdictional area.

- b. ☐ the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.

- c. ☒ injury to person or damage to personal property occurred in its jurisdictional area.

- d. ☐ other (specify):

9. ☒ Plaintiff is required to comply with a claims statute, and

- a. ☒ has complied with applicable claims statutes, or

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CASE NUMBER:

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The amount of damages is (in cases for personal injury or wrongful death, you must check (1)):

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- (2) ☐ in the amount of: \$

15. ☐ The paragraphs of this complaint alleged on information and belief are as follows (specify paragraph numbers):

Date: 3/31/2022

ROBERT L ANAYA

(TYPE OR PRINT NAME)

PLD-PI-001 (Rev. January 1, 2007)

CEB Essential
ceb.com Forms

COMPLAINT-Personal Injury, Property
Damage, Wrongful Death

(SIGNATURE OF PLAINTIFF OR ATTORNEY)

Effie Visser

VISSER vs. LOWE'S HOME CENTERS, LLC

CASE NUMBER:

FIRST

(number)

CAUSE OF ACTION - Premises Liability

Page 4

ATTACHMENT TO ☒ Complaint ☐ Cross-Complaint
 (Use a separate cause of action form for each cause of action.)

Prem.L-1. Plaintiff (name): EFFIE VISSER

alleges the acts of defendants were the legal (proximate) cause of damages to plaintiff.
 On (date): April 23, 2020

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Plaintiff was seriously injured when she fell as a result of tripping over an unsecured cable used by Defendants, which had been left loose in the aisleway. No warnings were given.

Prem.L-2. ☒ **Count One-Negligence** The defendants who negligently owned, maintained, managed and operated the described premises were (names):
 LOWE'S HOME CENTERS, LLC

☒ Does 1 to 29

Prem.L-3. ☒ **Count Two-Willful Failure to Warn** [Civil Code section 846] The defendant owners who willfully or maliciously failed to guard or warn against a dangerous condition, use, structure, or activity were (names): LOWE'S HOME CENTERS, LLC

☒ Does 30 to 59

Plaintiff, a recreational user, was ☐ an invited guest ☐ a paying guest.

Prem.L-4. ☐ **Count Three-Dangerous Condition of Public Property** The defendants who owned public property on which a dangerous condition existed were (names):

☐ Does to

- a. ☐ The defendant public entity had ☐ actual ☐ constructive notice of the existence of the dangerous condition in sufficient time prior to the injury to have corrected it.
 b. ☐ The condition was created by employees of the defendant public entity.

Prem.L-5. a. ☒ **Allegations about Other Defendants** The defendants who were the agents and employees of the other defendants and acted within the scope of the agency were (names):
 Unknown architects, engineers, vendors, contractors and subcontractors, as hired, designed, managed, maintained, inspected and authorized, to stock, maintain, supply, inspect and keep safe, as will be determined.

☒ Does 60 to 100

- b. ☐ The defendants who are liable to plaintiffs for other reasons and the reasons for their liability are ☐ described in attachment Prem.L-5.b ☐ as follows (names):

VISSER VS LOWE'S HOME CENTERS, LLC

CASE NUMBER:

SECOND

(number)

CAUSE OF ACTION- General Negligence

Page 5

ATTACHMENT TO ☒ Complaint ☐ Cross-Complaint

(Use a separate cause of action form for each cause of action.)

GN-1. Plaintiff (name): EFFIE VISSER

alleges that defendant (name):

LOWE'S HOME CENTERS, LLC

☒ Does 1 to 100

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff
 on (date): APRIL 23, 2020
 at (place): LOWE'S HOME CENTERS, LLC, 3801 Pelandale Avenue, Modesto, Stanislaus County, CA
 (description of reasons for liability) :

Defendants, its employees, contractors, subcontractors, agents, representatives, vendors, and affiliates, and each of them, had a duty to keep Plaintiff safe from injury at said premises.

Defendants, its employees, contractors, subcontractors, agents, representatives, vendors, and affiliates, and each of them, breached said duty by allowing an unsafe condition to be created and/or maintained on said premises.

Defendants, its employees, architects, engineers, contractors, subcontractors, agents, representatives, vendors, and affiliates, and each of them, designed, engineered, manufactured, and modified the condition of said premises which created the unsafe hazard which was foreseeable.

Defendants' breach of those duties proximately caused Plaintiff to be seriously injured as a result of said breach(es). Said defendants, and each of them, failed to warn Plaintiff of the unsafe condition.

Plaintiff has been seriously injured and suffered serious damages as a result of the injuries suffered as a proximate result of Defendants' actions and omissions to act, including but not limited to the giving of any warning to Plaintiff.

Plaintiff has suffered physical injuries, pain and suffering, general damages, special damages, loss of mobility as residual injuries with future pain and suffering, together with unknown future medical expenses and special damages.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):
ROBERT J. ANAYA SBN 153195

Law Office of Robert J. Anaya
 821 13th Street, Suite e
 Modesto, CA 95354

TELEPHONE NO.: (209) 522-7500

FAX NO. (Optional):

E-MAIL ADDRESS (Optional):

ATTORNEY FOR (Name): **Plaintiff, Effie Visser**

Electronically Filed
 4/1/2022 8:00 AM
 Superior Court of California
 County of Stanislaus
 Clerk of the Court
 By: Juan Medina, Deputy

SUPERIOR COURT OF CALIFORNIA, COUNTY OF STANISLAUS

Street Address: City Towers Bldg., 801 10th St, 4th Floor, Modesto, CA 95354

Civil Clerk's Office: 801 10th St, 4th Floor, Modesto, CA 95354

Plaintiff/Petitioner: EFFIE VISSER

Defendant/Respondent: LOWE'S HOME CENTERS, LLC

NOTICE OF CASE MANAGEMENT CONFERENCE

CASE NUMBER: **CV-22-001397**

1. NOTICE is given that a **Case Management Conference** has been scheduled as follows:

Date: **Hearing: 8/1/2022 9:00 AM**

Time:

☐ AM ☐ PM

This case is assigned to Judge **Freeland, John D**, Dept **Dept. 23**, for all purposes,

including trial.

*Departments 21 & 22 are located at 801 10th Street, 6th Floor, Modesto, CA 95354

*Departments 23 & 24 are located at 801 10th Street, 4th Floor, Modesto, CA 95354

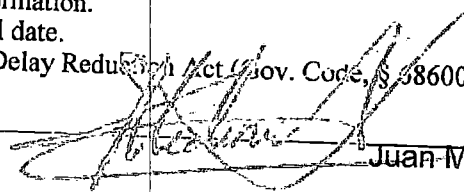
All filings shall be filed in the Clerk's Office at the City Towers, 4th Floor address.

You have 30 calendar days to file a written response with this court after the legal papers and the summons were served on you. You must also serve a copy of your written response on the plaintiff.

2. You must file and serve a completed *Case Management Conference Statement* at least **fifteen (15) calendar days** before the case management conference.
3. You must be familiar with the case and be fully prepared to participate effectively in the case management conference.
4. At the case management conference the Court may make pretrial orders, including the following:
 - a. An order establishing a discovery schedule.
 - b. An order referring the case to arbitration.
 - c. An order dismissing fictitious defendants.
 - d. An order scheduling exchange of expert witness information.
 - e. An order setting subsequent conferences and the trial date.
 - f. Other orders to achieve the goals of the Trial Court Delay Reduction Act (Gov. Code, § 58600 et seq.).

Date: **4/1/2022 8:00 AM**

by



Juan Medina

Deputy Clerk

--SANCTIONS--

If you do not file the *Case Management Statement* required by local rule, or attend the case management conference or participate effectively in the conference, the court may impose sanctions (including dismissal of the case, striking of the answer, and payment of money).

Rule 3.110. Time for Service of Complaint, Cross-Complaint, and Response

- (a) [Application] This rule applies to the service of pleadings in civil cases except for collection cases under Rule 3.740 (a), Unlawful detainer actions, proceedings, under the Family Code, and other proceedings for which different service requirements are prescribed by law.
- (b) [Service of complaint] The complaint must be served on all named defendants and proofs of service on those defendants must be filed with the court within 60 days after the filing of the complaint. When the complaint is amended to add a defendant, the added defendant must be served and proof of service must be filed within 30 days after the filing of the amended complaint.
- (c) [Service of cross-complaint] A cross-complaint against a party who has appeared in the action must be accompanied by proof of service of the cross-complaint at the time it is filed. If the cross-complaint adds new parties, the cross-complaint must be served on all parties and proofs of service on the new parties must be filed within 30 days of the filing of the cross-complaint.
- (d) [Timing of responsive pleadings] The parties may stipulate without leave of court to one 15-day extension beyond the 30-day time period prescribed for the response after service of the initial complaint.
- (e) [Modification of timing: application for order extending time] The court, on its own motion or on the application of a party, may extend or otherwise modify the times provided in (b)-(d). An application for a court order extending the time to serve a pleading must be filed before the time for service has elapsed. The application must be accompanied by a declaration showing why service has not been completed, documenting the efforts that have been made to complete service, and specifying the date by which service is proposed to be completed.
- (f) [Failure to serve] If a party fails to serve and file pleadings as required under this rule, and has not obtained an order extending time to serve its pleadings, the court may issue an Order to Show Cause why sanctions shall not be imposed.
- (g) [Request for entry of default] If a responsive pleading is not served within the time limits specified in this rule and no extension of time has been granted, the plaintiff must file a request for entry of default within 10 days after the time for service has elapsed. The court may issue an Order to Show Cause why sanctions should not be imposed if the plaintiff fails to timely file the request for the entry of default.
- (h) [Default judgment] When a default is entered, the party who requested the entry of default must obtain a default judgment against the defaulting party within 45 days after the default was entered, unless the court has granted an extension of time. The court may issue an Order to Show Cause why sanctions should not be imposed if that party fails to obtain entry of judgment against a defaulting party or to request an extension of time to apply for a default judgment within that time.
- (i) [Order to Show Cause] Responsive papers to an Order to Show Cause issued under this rule must be filed and served at least 5 calendar days before the hearing.

Case 1:22-cv-01110-LTE Document 1-1 Filed 09/01/22 Page 18 of 24

ATTORNEY OR PARTY WITHOUT ATTORNEY (NAME AND ADDRESS) TELEPHONE NO. FAX NO. E-MAIL ADDRESS		
ATTORNEY FOR (NAME):		
Insert name of court, judicial district or branch court, if any, and post office and street address:		
PLAINTIFF:		
DEFENDANT:		CASE NUMBER:
ANSWER-Personal Injury, Property Damage, Wrongful Death <input type="checkbox"/> COMPLAINT OF (name): <input type="checkbox"/> CROSS-COMPLAINT OF (name):		

1. This pleading, including attachments and exhibits, consists of the following number of pages: _____

DEFENDANT OR CROSS-DEFENDANT (name):

2. ☐ Generally **denies** each allegation of the **unverified** complaint or cross-complaint.

3. a. ☐ DENIES each allegation of the following numbered paragraphs:

b. ☐ ADMITS each allegation of the following numbered paragraphs:

c. ☐ DENIES, ON INFORMATION AND BELIEF, each allegation of the following numbered paragraphs:

d. ☐ DENIES, BECAUSE OF LACK OF SUFFICIENT INFORMATION OR BELIEF TO ANSWER, each allegation of the following numbered paragraphs:

e. ☐ ADMITS the following allegations and generally denies all other allegations:

SHORT TITLE: Case 1:22-cv-01110-JLT-EPG Document 1-1 Filed 09/01/22 Page 19 of 24

ANSWER-Personal Injury, Property Damage, Wrongful Death

f. ☐ DENIES the following allegations and admits all other allegations:

g. ☐ Other (*specify*):

AFFIRMATIVELY ALLEGES AS A DEFENSE

4. ☐ The comparative fault of plaintiff or cross-complainant (*name*):
as follows:

5. ☐ The expiration of the Statute of Limitations as follows:

6. ☐ Other (*specify*):

7. DEFENDANT OR CROSS-DEFENDANT PRAYS

For costs of suit and that plaintiff or cross-complainant take nothing.

☐ Other (*specify*):

(Type or print name)

(Signature of party or attorney)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	
CASE MANAGEMENT STATEMENT (Check one): <input type="checkbox"/> UNLIMITED CASE (Amount demanded exceeds \$25,000) <input type="checkbox"/> LIMITED CASE (Amount demanded is \$25,000 or less)	
CASE NUMBER: _____	
A CASE MANAGEMENT CONFERENCE is scheduled as follows: Date: _____ Time: _____ Dept.: _____ Div.: _____ Room: _____ Address of court (if different from the address above): _____ <input type="checkbox"/> Notice of Intent to Appear by Telephone, by (name): _____	

INSTRUCTIONS: All applicable boxes must be checked, and the specified information must be provided.

1. **Party or parties (answer one):**
 - a. ☐ This statement is submitted by party (name):
 - b. ☐ This statement is submitted jointly by parties (names):

2. **Complaint and cross-complaint (to be answered by plaintiffs and cross-complainants only)**
 - a. The complaint was filed on (date):
 - b. ☐ The cross-complaint, if any, was filed on (date):

3. **Service (to be answered by plaintiffs and cross-complainants only)**
 - a. ☐ All parties named in the complaint and cross-complaint have been served, have appeared, or have been dismissed.
 - b. ☐ The following parties named in the complaint or cross-complaint
 - (1) ☐ have not been served (specify names and explain why not):
 - (2) ☐ have been served but have not appeared and have not been dismissed (specify names):
 - (3) ☐ have had a default entered against them (specify names):
 - c. ☐ The following additional parties may be added (specify names, nature of involvement in case, and the date by which they may be served):

4. **Description of case**
 - a. Type of case in ☐ complaint ☐ cross-complaint (Describe, including causes of action):

PLAINTIFF/PETITIONER:	CASE NUMBER:
DEFENDANT/RESPONDENT:	

4. b. Provide a brief statement of the case, including any damages. *(If personal injury damages are sought, specify the injury and damages claimed, including medical expenses to date [indicate source and amount], estimated future medical expenses, lost earnings to date, and estimated future lost earnings. If equitable relief is sought, describe the nature of the relief.)*

☐ *(If more space is needed, check this box and attach a page designated as Attachment 4b.)*

5. **Jury or nonjury trial**

The party or parties request ☐ a jury trial ☐ a nonjury trial. *(If more than one party, provide the name of each party requesting a jury trial):*

6. **Trial date**

a. ☐ The trial has been set for *(date)*:

b. ☐ No trial date has been set. This case will be ready for trial within 12 months of the date of the filing of the complaint *(if not, explain)*:

c. Dates on which parties or attorneys will not be available for trial *(specify dates and explain reasons for unavailability)*:

7. **Estimated length of trial**

The party or parties estimate that the trial will take *(check one)*:

a. ☐ days *(specify number)*:

b. ☐ hours (short causes) *(specify)*:

8. **Trial representation (to be answered for each party)**

The party or parties will be represented at trial ☐ by the attorney or party listed in the caption ☐ by the following:

a. Attorney:

b. Firm:

c. Address:

d. Telephone number:

f. Fax number:

e. E-mail address:

g. Party represented:

☐ Additional representation is described in Attachment 8.

9. **Preference**

☐ This case is entitled to preference *(specify code section)*:

10. **Alternative dispute resolution (ADR)**

a. **ADR information package.** Please note that different ADR processes are available in different courts and communities; read the ADR information package provided by the court under rule 3.221 for information about the processes available through the court and community programs in this case.

(1) For parties represented by counsel: Counsel ☐ has ☐ has not provided the ADR information package identified in rule 3.221 to the client and reviewed ADR options with the client.

(2) For self-represented parties: Party ☐ has ☐ has not reviewed the ADR information package identified in rule 3.221.

b. **Referral to judicial arbitration or civil action mediation (if available).**

(1) ☐ This matter is subject to mandatory judicial arbitration under Code of Civil Procedure section 1141.11 or to civil action mediation under of Code of Civil Procedure section 1775.3 because the amount in controversy does not exceed the statutory limit.

(2) ☐ Plaintiff elects to refer this case to judicial arbitration and agrees to limit recovery to the amount specified in Code of Civil Procedure section 1141.11.

(3) ☐ This case is exempt from judicial arbitration under rule 3.811 of the California Rules of Court or from civil action mediation under Code of Civil Procedure section 1775 et seq. *(specify exemption)*:

PLAINTIFF/PETITIONER:	CASE NUMBER:
DEFENDANT/RESPONDENT:	

10. c. Indicate the ADR process or processes that the party or parties are willing to participate in, have agreed to participate in, or have already participated in (*check all that apply and provide the specified information*):

	The party or parties completing this form are willing to participate in the following ADR processes (<i>check all that apply</i>):	If the party or parties completing this form in the case have agreed to participate in or have already completed an ADR process or processes, indicate the status of the processes (<i>attach a copy of the parties' ADR stipulation</i>):
(1) Mediation	<input type="checkbox"/>	<input type="checkbox"/> Mediation session not yet scheduled <input type="checkbox"/> Mediation session scheduled for (date): <input type="checkbox"/> Agreed to complete mediation by (date): <input type="checkbox"/> Mediation completed on (date):
(2) Settlement conference	<input type="checkbox"/>	<input type="checkbox"/> Settlement conference not yet scheduled <input type="checkbox"/> Settlement conference scheduled for (date): <input type="checkbox"/> Agreed to complete settlement conference by (date): <input type="checkbox"/> Settlement conference completed on (date):
(3) Neutral evaluation	<input type="checkbox"/>	<input type="checkbox"/> Neutral evaluation not yet scheduled <input type="checkbox"/> Neutral evaluation scheduled for (date): <input type="checkbox"/> Agreed to complete neutral evaluation by (date): <input type="checkbox"/> Neutral evaluation completed on (date):
(4) Nonbinding judicial arbitration	<input type="checkbox"/>	<input type="checkbox"/> Judicial arbitration not yet scheduled <input type="checkbox"/> Judicial arbitration scheduled for (date): <input type="checkbox"/> Agreed to complete judicial arbitration by (date): <input type="checkbox"/> Judicial arbitration completed on (date):
(5) Binding private arbitration	<input type="checkbox"/>	<input type="checkbox"/> Private arbitration not yet scheduled <input type="checkbox"/> Private arbitration scheduled for (date): <input type="checkbox"/> Agreed to complete private arbitration by (date): <input type="checkbox"/> Private arbitration completed on (date):
(6) Other (<i>specify</i>):	<input type="checkbox"/>	<input type="checkbox"/> ADR session not yet scheduled <input type="checkbox"/> ADR session scheduled for (date): <input type="checkbox"/> Agreed to complete ADR session by (date): <input type="checkbox"/> ADR completed on (date):

PLAINTIFF/PETITIONER:	CASE NUMBER:
DEFENDANT/RESPONDENT:	

11. Insurance

- a. ☐ Insurance carrier, if any, for party filing this statement (*name*):
- b. Reservation of rights: ☐ Yes ☐ No
- c. ☐ Coverage issues will significantly affect resolution of this case (*explain*):

12. Jurisdiction

Indicate any matters that may affect the court's jurisdiction or processing of this case, and describe the status.

- ☐ Bankruptcy ☐ Other (*specify*):

Status:

13. Related cases, consolidation, and coordination

- a. ☐ There are companion, underlying, or related cases.
- (1) Name of case:
- (2) Name of court:
- (3) Case number:
- (4) Status:
- ☐ Additional cases are described in Attachment 13a.
- b. ☐ A motion to ☐ consolidate ☐ coordinate will be filed by (*name party*):

14. Bifurcation

- ☐ The party or parties intend to file a motion for an order bifurcating, severing, or coordinating the following issues or causes of action (*specify moving party, type of motion, and reasons*):

15. Other motions

- ☐ The party or parties expect to file the following motions before trial (*specify moving party, type of motion, and issues*):

16. Discovery

- a. ☐ The party or parties have completed all discovery.
- b. ☐ The following discovery will be completed by the date specified (*describe all anticipated discovery*):
- | <u>Party</u> | <u>Description</u> | <u>Date</u> |
|--------------|--------------------|-------------|
| | | |
- c. ☐ The following discovery issues, including issues regarding the discovery of electronically stored information, are anticipated (*specify*):

PLAINTIFF/PETITIONER:	CASE NUMBER:
DEFENDANT/RESPONDENT:	

17. **Economic litigation**

- a. ☐ This is a limited civil case (i.e., the amount demanded is \$25,000 or less) and the economic litigation procedures in Code of Civil Procedure sections 90-98 will apply to this case.
- b. ☐ This is a limited civil case and a motion to withdraw the case from the economic litigation procedures or for additional discovery will be filed (*if checked, explain specifically why economic litigation procedures relating to discovery or trial should not apply to this case*):

18. **Other issues**

- ☐ The party or parties request that the following additional matters be considered or determined at the case management conference (*specify*):

19. **Meet and confer**

- a. ☐ The party or parties have met and conferred with all parties on all subjects required by rule 3.724 of the California Rules of Court (*if not, explain*):
- b. After meeting and conferring as required by rule 3.724 of the California Rules of Court, the parties agree on the following (*specify*):

20. Total number of pages attached (*if any*): _____

I am completely familiar with this case and will be fully prepared to discuss the status of discovery and alternative dispute resolution, as well as other issues raised by this statement, and will possess the authority to enter into stipulations on these issues at the time of the case management conference, including the written authority of the party where required.

Date: _____

(TYPE OR PRINT NAME)

(TYPE OR PRINT NAME)



(SIGNATURE OF PARTY OR ATTORNEY)

(SIGNATURE OF PARTY OR ATTORNEY)

☐ Additional signatures are attached.